

**NEVADA DEPARTMENT OF  
CONSERVATION & NATURAL RESOURCES**

**STATE ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVES FOR**

**REGULATORY PETITIONS**

**COMMISSION PETITION NO. 96011**

**LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-071-96**

**DOCUMENTS INCLUDED IN THIS FILE:**

**YES SECRETARY OF STATE FILING FORM**

**YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B**

**REGULATORY PETITIONS**

**ORIGINAL DRAFTED BY COMMISSION**

**ADOPTED BY COMMISSION**

**YES AS FILED AND CODIFIED BY LCB**

Secretary of State  
Filing Data

For Filing Administrative  
Regulations

For Emergency  
Regulations Only

Effective Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Governor's Signature

### State Environmental Commission

Classification [ ] Proposed [ ] Adopted By Agency [xx] Temporary [ ] Emergency [ ]

**Brief description of action:** LCB R-071-96 (Petition 96011) permanently amends NAC 444A.005 to NAC 444A.479 by expanding the definition of recyclable materials, and implementing Assembly Bill 449 of the 1995 session. The amendment requires more accurate waste tire hauler manifest reporting and the period for recycling operation reporting was changed from the fiscal year to the calendar year. This amendment eliminates the requirement that local emergency planning committees review waste tire facility permits.

**Authority citation other than 233B:** NRS 444A.080

**Notice date:** August 9, August 11, August 20 and August 26, 1996

**Hearing date:** September 10, 1996

**Date of Adoption of Agency:** September 10, 1996

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
PETITION 96011  
LCB FILE R-071-96**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 444A.

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Petition 96011 (R-071-96) was noticed three (3) times: August 9, August 20, and August 28, 1996, in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. One general comment was received regarding the importance of having community based recycling industries (exhibit 18). A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

**2. The number persons who:**

- |     |   |    |
|-----|---|----|
| (a) | Attended each hearing;                    | 35 |
| (b) | Testified at each hearing:                | 15 |
| (c) | Submitted to the agency written comments: | 13 |

Note: One written comment (exhibit 18) was received and three persons testified at the Environmental Commission hearing of September 10, 1996, regarding the recycling regulations.

**3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. The The Bureau of Waste Management also notified subscribers to its mailing list through the newsletter called "Trash Talk". Testimony was received at the hearing the Nevada Recyclers Association, and US Enviromed. The comments expressed support of the petition. Concern was expressed that recycling should not be limited and the term should be construed as broadly as possible. In addition, customers of recyclers should be protected from undue scrutiny by municipal officials. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted at the State Environmental Commission hearing on September 10, 1996, with changes to the regulation. Changes were proposed during adoption of the regulation.

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects; and
- (b) Both immediate and long-term effects.

The proposed regulations will have no major economic effect on the regulated businesses. Waste tire haulers and recycling centers may see some minor immediate and long term economic impacts for the meeting of reporting requirements.

The public will receive a indirect immediate and long term positive economic benefit due to the reduction in cost by local emergency planning committees having to review recycling facilities.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There will no additional cost to the agency as a result of the addition of the proposed regulations.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agencies which the proposed regulation overlaps or duplicates.

**8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

This regulation does not contain provisions more stringent than federal regulations.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

No new fee is proposed nor is a fee increased by this regulation.

**END OF FILING STATEMENT FOR R-071-96**

**ADOPTED PERMANENT REGULATION OF THE  
NEVADA STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R071-96**

EXPLANATION - Matter in *italics* is new; Matter in brackets [ ] is material to be omitted.

AUTHORITY: NRS 444A.080

**Section. 1.** Chapter 444A of NAC is hereby amended by adding thereto a new section to read as follows:

*1. Each recycling center located in a municipality whose program has been approved by the department shall, not later than February 15 of each year, submit to the municipality, on a form approved by the division, a report for the preceding calendar year. The report must be certified by the recycling center and include the number of tons of material recycled for each type of recycled material.*

*2. The recycling center shall, upon the request of the municipality, provide any information, including but not limited to, bills of lading, manifests, and certified receipts, which the municipality determines may be necessary to verify the report.*

**Sec. 2.** NAC 444A.100 is hereby amended to read as follows:

444A.100 1. As used in NAC 444A.100 to 444A.140, inclusive, "recyclable material" includes[:]  
*, but is not limited to:*

- (a) Newspaper;
- (b) Corrugated cardboard;
- (c) Aluminum;
- (d) Yard debris;
- (e) Office paper ; **[of a high grade;]**
- (f) Glass ; **[and plastic containers;]**
- (g) Tin *and steel* cans;
- (h) Metal ; **[, including ferrous metal; and]**
- (i) Motor oil[.] ;
- (j) Plastic; and*
- (k) Antifreeze;*

2. As used in subsection 1, "yard debris" means material generated from plants **[on residential property or from the landscaping of]** , *including trees, bushes and grass clippings on* residential or business property.

**Sec. 3.** NAC 444A.120 is hereby amended to read as follows:

444A.120 1. A municipality which makes a program available pursuant to NRS 444A.040 shall **[, on or before January 1, 1993,]** submit a request for approval of the program to the department. The

request must be accompanied by:

(a) In a municipality whose population is more than 25,000:

(1) A statement setting forth the location of and types of recyclable material collected by each recycling center.

(2) A description of the program for the disposal of hazardous household products which sets forth:

(I) The location of and types of material collected by each collection site; and

(II) The schedule for the collection of the hazardous household products.

(3) A copy of all ordinances which:

(I) Govern the program; or

(II) Provide for the participation of the municipality in a program adopted by an adjoining municipality.

(4) Any other documentation and information which demonstrates that the program will ensure that the municipality will meet the goal set forth in NAC 444A.110.

(b) In a municipality whose population is more than **[40,000,] 100,000**, in addition to the documentation and information required by paragraph (a), copies of all contracts and agreements to provide for the separation at the source of recyclable material from other solid waste originating from the residential premises where services for the collection of solid waste are provided.

2. The department shall approve a program if the department determines **[it will ensure that the municipality will meet the]** *that the program will contribute to the achievement of the municipality's* goal set forth in NAC 444A.110.

3. As used in subsection 1, "recycling center" means a facility designed and operated to receive, store, process or transfer recyclable material.

**Sec. 4.** NAC 444A.140 is hereby amended to read as follows:

444A.140 1. A municipality whose program has been approved by the department shall submit a report to the department on forms provided by the department. The report must be submitted on or before **[July] April** 1 of each year. **[, beginning in 1993.]** Except as otherwise required in subsection 2, the report must contain documentation and information concerning the previous **[full] calendar** year, including:

(a) The number of tons of material:

(1) Disposed of in a landfill or other similar disposal facility;

(2) Diverted from a landfill or other similar disposal facility; and

(3) Recycled for each type of recycled material.

(b) An explanation and summary of any revision of the program.

(c) To determine whether the program provided for the recycling of at least 25 percent of the total solid waste generated within the municipality, a calculation in which the total weight of material diverted from a landfill or other similar disposal facility is divided by the sum of:

(1) The total weight of material diverted from a landfill or other similar disposal facility; and

(2) The total weight of material disposed of in a landfill or other similar disposal facility.

2. If a program is implemented for less than a full year, the report required by subsection 1 must be based upon and the weights and calculation must reflect only that part of the year in which the program was implemented.

3. The report required by subsection 1 must be accompanied by verification of the number of tons of recycled material, generated within the municipality, which is sold or collected. The verification must [:

(a) **Submitted]** *submitted* on a form supplied by the department [; and

(b) **Attested to by the recycling centers within the municipality.] and include a statement certified by the municipality that the reports submitted to it pursuant to section 1 of this regulation have been certified by the recycling centers within the municipality.**

4. As used in this section:

(a) "Material diverted from a landfill":

(1) Includes:

(I) Recyclable material; and

(II) Material which was separated to be recycled from other waste material of the municipality.

(2) Does not include:

(I) Material not generated within the municipality; or

(II) Material that would not normally be disposed of in a landfill or other similar disposal facility.

(b) "Material disposed of in a landfill or other similar disposal facility" does not include material not generated within the municipality.

**Sec. 5.** NAC 444A.290 is hereby amended to read as follows:

444A.290 Each applicant for a permit to operate a facility for the management of waste tires must complete an application on a form prescribed by the solid waste management authority. The application must include:

1. The name of the owner and operator of the facility;

2. The address of the location of the facility;

3. A plan of operation which complies with the requirements set forth in NAC [444A.340] *NAC 444A.350* and 444A.360;

4. A plan of the area where the tires will be stored at the facility which includes:

(a) The arrangement and size of the piles of tires in the storage area;

(b) The width of the fire lanes;

(c) **[A description of the types of equipment to be used to control fires;**

**(d) The location of the equipment to be used to control fires;**

**(e)]** The location of each building at the facility; and

**[(f)] (d)** The methods to be used to control access to the facility;

5. An estimate of the number of passenger tire equivalents the facility will receive each year;

6. A description of the final use for the waste tires deposited or the available market for the material derived from tires after it is processed;

7. Proof of compliance with any applicable ordinances or other requirements of the state or local governments for permits;

8. **[Procedures to] Proof of compliance with any applicable requirements of the local fire authority;**

9. **The procedures:**

**(a) For the prevention of fire; and**

**(b) To be used if a fire occurs at the facility,**

which must be **[reviewed by the local emergency planning committee appointed by the state emergency response commission;**

**9.] approved by the local fire authority;**

**10.** A copy of the plan to demonstrate financial assurance required by NAC 444A.410 and 444A.420; and

**[10.] 11.** Any other information required by the solid waste management authority.

**Sec 6.** NAC 444A.440 is hereby amended to read as follows:

444A.440 1. A hauler of waste tires shall obtain a registration number from the solid waste management authority by July 1, 1995, or 14 days before beginning operation, whichever is later. The hauler of waste tires shall display his registration number on the vehicle he uses to transport waste tires or material derived from waste tires.

2. Each hauler of waste tires who applies for a registration number must complete an application on a form prescribed by the solid waste management authority. The application must include [:

**(a) The permit number issued to the hauler of waste tires by the public service commission of Nevada; and**

**(b) The] the** license number and the name of the registered owner of the vehicle used to transport waste tires or material derived from waste tires.

3. A registration number for a hauler of waste tires issued by a solid waste management authority must be recognized by any other solid waste management authority.

4. A hauler of waste tires who obtains a registration number pursuant to this section is required to comply with any other applicable requirements adopted by a local government for a permit.

**Sec. 7.** NAC 444A.450 is hereby amended to read as follows:

444A.450 1. A hauler of waste tires shall initiate a manifest to transport waste tires from the place where he takes possession of the waste tires from a generator of waste tires to the place where he deposits the waste tires at a facility for the management of waste tires or a disposal site approved by the solid waste management authority. The manifest must include the:

(a) Name of the generator of the waste tires;

(b) Passenger tire equivalents or total tons of waste tires to be transported;

(c) Name and registration number of the hauler of waste tires;

(d) Date of transport;

(e) Destination of the waste tires; **[and]**

**(f) Number of tires sold for reuse, if any; and**

**(g) Signatures of the generator of the waste tires, hauler of the waste tires and operator of the facility for the management of waste tires or disposal site approved by the solid waste management authority.**

2. The hauler of waste tires shall:

(a) Provide the owner or operator of the facility for the management of waste tires or the disposal site approved by the solid waste management authority with a completed copy of the manifest; and

(b) Return a completed copy of the manifest to the generator of the waste tires not later than 30 days after the date the hauler of the waste tires takes possession of the waste tires.

3. A hauler of waste tires who fails to comply with the provisions of this section may be subject to enforcement action, including the revocation of his registration number.



END OF LCB R071-96 (PETITION 96011)

Petition 96011, (LCB R071-96) was amended and adopted by the Environmental Commission on September 10, 1996. LCB R071-96 became effective upon filing with the Secretary of State on October 3, 1996, by the Legislative Counsel Bureau.

**CODIFIED 1/8/97**